

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LACY BAKER

Plaintiff,

-v.-

Civil Action No.
9:01-cv-1894 (GLS/GJD)

ANTHONY M. VOLPE, Corrections
Officer at Auburn Correctional Facility;
SHAWN BLOWERS, Corrections Officer
at Auburn Correctional Facility; J. FASCE,
Corrections Officer at Auburn Correctional
Facility; CHARLES MURPHY, Sergeant
at Auburn Correctional Facility; K. DIPRONIO,
Corrections Officer at Auburn Correctional
Facility; LT. KRUGER; JOHN J. BURNS,
Deputy Superintendent at Auburn Correctional
Facility; HANS WALKER, Superintendent at
Auburn Correctional Facility; GLENN S. GOORD
and DONALD SELSKY, Director of SHU/Disp.
Review Officer at Auburn Correctional Facility

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

LACY BAKER
00-R-2708
Plaintiff Pro Se
Downstate Correctional Facility
Box F Red Schoolhouse Road
Fishkill, New York 12524-0445

FOR THE DEFENDANTS:

HON. ELIOT SPITZER
Attorney General for the
State of New York
615 Erie Boulevard West
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ED J. THOMPSON, ESQ.
Assistant Attorney General

GARY L. SHARPE
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Chief Magistrate Judge Gustave J. DiBianco, duly filed October 6, 2006. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Chief Magistrate Judge Gustave J. DiBianco filed October 6, 2006 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that defendants' motion to dismiss for failure to prosecute (Docket No. 45) is **GRANTED**, and the complaint **DISMISSED IN ITS ENTIRETY WITH PREJUDICE**, and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of Defendants and close this case.

IT IS SO ORDERED.

Dated: November 1, 2006
Albany, New York



Gary L. Sharpe
U.S. District Judge